



ORIGINAL: ENGLISH

I. INTRODUCTION

1. The General Assembly, in its resolution 48/251 of 14 April 1994, authorized the Secretary-General to enter into commitments not exceeding \$11 million up to 31 December 1994 for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, pending the final decision of the Assembly on the mode of financing of the International Tribunal and receipt of a detailed report to the Assembly at its forty-ninth session on the requirements of the Tribunal and on its financial performance on the basis of experience gained in 1994. The present report is submitted pursuant to that resolution. It should be read in conjunction with the initial report on the financing of the Tribunal (A/C.5/48/44), which was submitted in response to General Assembly resolution 47/235 of 14 September 1993 and considered by the Assembly at its forty-eighth regular session in December 1993; the addendum to that report (A/C.5/48/44/Add.1) and the report of the Secretary-General on conditions of service and allowances of the members of the International Tribunal (A/C.5/48/36), which were considered at the resumed forty-eighth session in March/April 1994; and the report of the Secretary-General on conditions of service and allowances of the members of the Tribunal (A/C.5/49/11). Although the Tribunal has only been operational for a few months, workload statistics and a programme of work through the end of 1995 are proposed, based on firmer assumptions than has hitherto been possible.

2. On the basis of actual experience and performance, revised estimates in the amount of \$39,158,600 for the International Criminal Tribunal for the former Yugoslavia for the biennium 1994-1995 are proposed. This amount represents an increase of \$6,515,900 over the revised estimates contained in document A/C.5/48/44/Add.1. It includes proposals for 260 posts as compared to 108 foreseen in the initial estimates. An overview of resource requirements (including posts) is provided in tables 1 to 3 below.

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Table 1

SUMMARY OF REVISED ESTIMATES FOR THE BIENNium 1994-1995
BY PROGRAMME

(Thousands of United States dollars)

	1994-1995 revised estimates a/	1995	
		requirements	estimated requirements revised estimates
A. The Chambers	4 091.1	2 352.1	2 428.5
B. The Prosecutor	8 585.1	2 620.4	11 456.3
C. The Registry b/	12 337.5	1 791.1	9 485.7
D. Programme support	7 629.0	4 016.4	5 008.1
Total	32 642.7	10 780.0	28 378.6
			39 158.6

a/ A/C.5/48/44/Add.1.

b/ Includes requirements for Defence Counsel.

Table 2
SUMMARY OF REVISED ESTIMATES FOR THE BIENNIUM 1994-1995 BY
OBJECT OF EXPENDITURE

(Thousands of United States dollars)

Object of expenditure	1994-1995 revised estimates a/	1994 requirements	1995 estimated requirements	1994-1995 revised estimates
Salaries and allowances and common costs (judges)	3 770.0	1 793.6	2 096.0	3 889.6
Posts	11 880.9	3 293.0	13 269.5	16 562.5
Temporary assistance for meetings	5 322.2	60.0	333.6	393.6
General temporary assistance	3 004.1	375.4	1 538.2	1 913.6
Overtime	89.5	23.4	70.0	93.4
Consultants and experts	150.0	83.6	280.8	364.4
Travel	444.7	1 097.1	4 144.6	5 241.7
Contractual services	948.7	206.3	1 952.8	2 159.1
General operating expenses	4 659.2	1 411.4	3 138.5	4 549.9
Supplies and materials	264.0	102.0	236.9	338.9
Furniture and equipment	2 109.4	2 334.2	1 317.7	3 651.9
Total	32 642.7	10 780.0	28 378.6	39 158.6

a/ A/C.5/48/44/Add.1.

Table 3

SUMMARY OF POST REQUIREMENTS FOR THE BIENNIUM 1994-1995

Professional category and above	Previous estimate <u>a/</u>	Increase/ (decrease)	Revised estimate
USG	1	-	1
ASG	1	-	1
D-2	1	-	1
D-1	2	4	6
P-5	15	(6)	9
P-4	17	20	37
P-3	12	47	59
P-2/1	8	23	31
Total	57	88	145
Other categories			
General Service (PL)	1	3	4
General Service (OL)	38	43	81
Security	12	18	30
Total	51	64	115
Grand total	108	152	260 <u>b/</u>

a/ A/C.5/48/44/Add.1.

b/ Excludes 11 judges.

II: RECENT DEVELOPMENTS

3. During 1994 the Tribunal continued its activities in order to complete the necessary legal and operational framework of the Tribunal. In this connection, the rules of procedure and evidence and the rules governing the detention of persons awaiting trial or appeal before the tribunal or otherwise detained on the authority of the Tribunal (rules of detention) were adopted during the first six months of this year. In addition, on 14 July 1994, the Tribunal and the Ministry of Justice of the Netherlands signed an agreement on matters relating to security and order of the leased detention facilities in the Netherlands penitentiary complex. Furthermore, in July 1994, the judges adopted the Directive on the Assignment of Defence Counsel, which sets out detailed provisions concerning the right to legal assistance granted to suspects or accused who are recognized as indigent, and governs its practical application.

4. Together with the statute of the Tribunal and the Agreement between the United Nations and the Kingdom of the Netherlands concerning the Headquarters of the Tribunal, the above-mentioned texts constitute the fundamental legal basis for the effective functioning of the Tribunal.

5. The staff of the Tribunal are recruited for service limited to the Tribunal and are selected in accordance with the provisions of Article 101 of the Charter of the United Nations and have the status of officials of the United Nations under articles V and VII of the Convention on the Privileges and Immunities of the United Nations. 1/ In view of the highly specialized nature of the functions of the Tribunal and the need for rapid response and flexibility, in May 1994, the Registrar was delegated the authority to appoint staff, in the name of the Secretary-General, up to the D-1 level. As of 24 November 1994, the total number of staff employed by the Tribunal stands at 84.

6. With regard to the administration of the Tribunal, the Advisory Committee on Administrative and Budgetary Questions, in paragraph 19 of its report (A/49/915), requested the Secretary-General to explore the establishment of common administrative arrangements between the Tribunal and the International Court of Justice (ICJ). Having considered the matter, both bodies have assured their cooperation to the fullest extent possible, in order to minimize administrative costs to the United Nations. In this connection, the International Court of Justice advised that, given the fundamental differences in mandates and functions of both organs, as well as the strict requirements of confidentiality which are inherent in the nature of work of the two institutions, the areas of cooperation would be limited. The Court clearly expressed its position that, as a matter of principle and from a practical point of view, the assimilation of the administrations of both bodies would not be feasible.

III. OVERVIEW

7. The Security Council, by its resolution 827 (1993) of 25 May 1993, acting under Chapter VII of the Charter of the United Nations, decided to establish the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and adopted its statute.

8. The Tribunal consists of the following organs: (a) the Chambers, comprising two Trial Chambers and an Appeals Chamber; (b) the Prosecutor; and (c) a Registry, servicing both the Chambers and the Prosecutor.

9. The Chambers are composed of 11 independent judges who are appointed for a term of four years and are eligible for re-election. The Chambers are presided over by the President of the Tribunal, assisted by the Vice-President.

10. The Prosecutor is responsible for the conduct of all investigations and prosecutions of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991. The Prosecutor is appointed by the Security Council, upon nomination by the Secretary-General, for a term of four years and is eligible for reappointment. The Office of the Prosecutor acts independently as a separate organ of the Tribunal.

11. The Registry is the administrative arm of the Tribunal and is responsible for servicing the Tribunal. It is headed by the Registrar who is appointed by the Secretary-General after consultation with the President of the Tribunal.

IV. WORK PROGRAMME

12. It is anticipated that as from March 1995 the Tribunal will be in regular session through all of 1995. The two Trial Chambers, having at their disposal one courtroom, will alternate morning and afternoon proceedings. It is further expected that parties will seek to appeal judgements rendered by Trial Chambers and that, therefore, the Appeals Chamber will regularly be in session as from the middle of 1995. The Appeals Chamber will also have to use the only courtroom thus far available.

13. Pursuant to rule 4 of the rules of procedure and evidence, at least one of the Chambers may exercise its functions at a place other than the seat of the Tribunal. However, owing to the number and complexity of the possible requirements for conducting Chamber proceedings away from The Hague, particularly if it were to be held in the former Yugoslavia, no specific provision is requested at this time for this purpose.

14. It is difficult to predict precisely how many trials will take place in 1995, but it is likely that the early trials will be complicated and lengthy, involving many procedural and legal issues. There is a strong likelihood that the Tribunal will be fully operational and highly visible from March 1995 onward and that dozens of accused and hundreds of witnesses will appear.

15. As regards the scope, the intensity and the workload of the investigation and prosecution programme, the following indicative information can be provided.

16. The Office of the Prosecutor is currently investigating four cases involving multiple suspects. Each investigation will require interviewing over 100 victims/witnesses, of which 60 to 80 may be called to each trial. Statements from victims and witnesses vary on average from 20 to 35 pages in length. Investigators spend from one to five days actually interviewing a single witness, in addition to the weeks, and sometimes months, of preparation that are required to identify and locate witnesses and to prepare for the interviews. Investigators must also locate, obtain and analyse volumes of documents and other materials in order to develop each case thoroughly. Given the many sources of information and the numerous obstacles to obtaining all of the relevant information, each investigation is a formidable undertaking.

17. Taking one case as an example, the following evidentiary sources are part of the investigation process:

Victims/witnesses	60-80 statements
Suspects	2-12
Documentary/material (military documents, reports, maps, charts)	400 pages
Photographs (suspects, scenes of crimes, autopsies)	100-200
Video tapes (media reports, suspects, crime scenes, suspect interviews)	20-40
Audio tapes (suspect interviews, intercepts)	10-20
Physical evidence	Weapons, ammunition, clothing
Forensic evidence	Exhumation examination reports

18. The work generated by the Office of the Prosecutor before and after investigation has a direct impact on the Registry and on other programme support services.

V. REVISED FINANCIAL REQUIREMENTS FOR THE TRIBUNAL
FOR THE BIENNIUM 1994-1995

A. The Chambers

Table 4

ESTIMATES BY OBJECT OF EXPENDITURE

(Thousands of United States dollars)

A. The Chambers

Object of expenditure	1994-1995 revised estimates <u>a/</u>	1994 requirements	1995 estimated requirements	1994-1995 revised estimates
Salaries and allowances (judges)	3 238.8	1 615.0	1 615.0	3 230.0
Common costs (judges)	531.2	178.6	481.0	659.6
Staff costs	249.9	212.9	279.6	492.5
Consultants and experts	50.0	30.0	46.8	76.8
Travel	<u>21.2</u>	<u>315.6</u>	<u>6.1</u>	<u>321.7</u>
Total	<u>4 091.1</u>	<u>2 352.1</u>	<u>2 428.5</u>	<u>4 780.6</u>

a/ A/C.5/48/44/Add.1.

Table 5

POST REQUIREMENTS

A. The Chambers

Other categories	Previous estimate <u>a/</u>	Increase/ (decrease)	Revised estimate
General Service (OL)	<u>6</u>	-	<u>6</u>
Total	<u>6</u>	-	<u>6</u>
Grand Total	<u>6</u>	-	<u>6</u> <u>b/</u>

a/ A/C.5/48/44/Add.1.

b/ Excludes 11 judges.

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Activities

19. In accordance with article 15 of the statute of the Tribunal, the judges have adopted rules of procedure and evidence for the conduct of the pre-trial phase of the proceedings, trials and appeals, the admission of evidence, the protection of victims and witnesses and other appropriate matters. The rules of procedure and evidence provide the necessary structure for the functioning of all three organs of the Tribunal: the Chambers, including proceedings before the two Trial Chambers and the Appeals Chamber; the Office of the Prosecutor, covering investigations, indictments, trials and appeals; and the Registry, which provides administrative support for the Tribunal as a whole.

20. A Bureau has been established, composed of the President, the Vice-President and the presiding judges of the Trial Chambers. The President consults the Bureau on all major questions relating to the functioning of the Tribunal, and a judge may draw to the attention of the Bureau issues that in his/her opinion ought to be discussed by the Bureau or submitted to a plenary meeting of the Tribunal.

21. The judges meet in plenary to elect the President and Vice-President, adopt and amend the rules, adopt the annual report provided for in article 34 of the statute, decide upon matters relating to the internal functioning of the Chambers and the Tribunal, determine or supervise the conditions of detention and exercise any other functions provided for in the statute or in the rules.

22. The dates of the plenary sessions of the Tribunal are normally agreed upon in July of each year for the following calendar year. Other plenary meetings shall be convened by the President if so requested by at least six judges, or whenever the exercise of his functions under the statute or the rules so requires. Three plenary sessions were convened in 1994. Three sessions are planned for 1995.

23. Under the rules, a Chamber may exercise its functions at a place other than the seat of the Tribunal, if so authorized by the President in the interest of justice. No provisions are made in the revised estimates for this purpose as mentioned in paragraph 13 above.

24. Within the rules of procedure and evidence, it is stated that judges shall rotate on a regular basis between the Trial Chambers and the Appeals Chamber, taking into account the efficient disposal of cases. Furthermore, the President may at any time temporarily assign a member of a Trial Chamber or of the Appeals Chamber to another Chamber. In addition, the President shall, in July of each year and after consultation with the judges, assign for each month of the next calendar year a judge of a Trial Chamber as the judge to whom indictments shall be transmitted for review.

Resource requirements

Salaries and allowances of judges

25. The provision of \$3,230,000 reflects estimated expenditures for 1994 and projected requirements for 1995 based on the proposals contained in the report of the Secretary-General on conditions of service and allowances of the members of the Tribunal (A/C.5/49/11) and should be read in conjunction with that report. These include:

- (a) Annual salary of \$145,000 for each of 11 judges;
- (b) An additional special allowance of \$15,000 per annum for the President of the Tribunal;
- (c) An additional special allowance for the Vice-President of \$94 for every day she acts as President, up to a maximum of \$9,400 per year.

Common costs of judges

26. Requirements estimated at \$659,600, reflecting an increase of \$128,400, would provide for travel on appointment, installation allowance, removal of household effects, education grant and home leave entitlements. In this regard, it should be noted that, while three judges have taken up residence at The Hague in 1994, it is expected that in 1995, when trial proceedings commence, five other judges will take up residence at the duty station. Further resources are also requested to provide for travel to and from the duty station for judges who are not in residence at The Hague.

Staff costs

27. The provision of \$492,500, reflecting additional resources of \$242,600, relates to salaries and common staff costs of six General Service staff who would provide secretarial support for the Chambers.

Consultants and experts

28. The estimated requirements of \$76,800, representing an increase of \$26,800, would provide for outside expertise in various legal areas. In view of the nature of the work of the Tribunal, which requires expertise in the disciplines of international law, criminal law and human rights and humanitarian law, it is essential that the Chambers obtain expert advice on specific legal issues that may be raised before the Tribunal. In 1994, specialized studies have been provided by experts. For example, a study was prepared (with a view to implementing article 24, paragraph 1, of the statute) on the sentencing policies and practices in the former Yugoslavia with regard to the crimes specified in articles 2 to 5 of the statute of the Tribunal.

Travel

29. The estimate of \$321,700 reflects an increase of \$300,500 and relates to the cost of travel by all the judges to three plenary sessions which were held in 1994 during the period when most of the judges were not in residence at The Hague. In 1995 it would cover the cost of travel by the President to Headquarters for consultations and attendance at the sessions of the General Assembly.

B. The Office of the Prosecutor

Table 6

ESTIMATES BY OBJECT OF EXPENDITURE

(Thousands of United States dollars)

B. The Prosecutor

Object of expenditure	1994-1995 revised estimates <u>a/</u>	1994 requirements	1995 estimated requirements	1994-1995 revised estimates
Posts	7 914.3	1 837.1	7 526.5	9 363.6
General temporary assistance	115.5	20.0	35.0	55.0
Overtime	43.0	2.0	20.0	22.0
Consultants and experts	100.0	20.0	93.6	113.6
Travel, including travel for purposes of investigation	352.3	741.3	3 781.2	4 522.5
Data-processing services <u>b/</u>	60.0	-	-	-
Total	8 585.1	2 620.4	11 456.3	14 076.7

a/ A/C.5/48/44/Add.1.

b/ Requirements included under section D, Programme support, contractual services (see table 10 and para. 104).

Table 7
POST REQUIREMENTS

B. The Prosecutor

Professional category and above	Previous estimate <u>a/</u>	Increase/ (decrease)	Revised estimate
USG	1	-	1
D-2	1	-	1
D-1	2	2	4
P-5	11	(5)	6
P-4	13	11	24
P-3	10	30	40
P-2/1	8	16	24
Total	46	54	100
Other categories			
General Service (PL)	1	-	1
General Service (OL)	20	5	25
Total	21	5	26
Grand total	67	59	126

a/ A/C.5/48/44/Add.1.

Activities

Investigation

30. Under the rules of procedure and evidence, in the conduct of an investigation the Prosecutor may summon and question suspects, victims and witnesses and obtain their statements; collect evidence and conduct site investigations; and undertake such other matters as may appear necessary for completing the investigation and preparing the case for trial. To that end, the Prosecutor may seek the assistance of any State authority concerned, as well as any relevant international body including the International Criminal Police Organization (Interpol) and request such orders as may be necessary from a Trial Chamber or a judge.

31. It is the task of the Prosecutor to select the appropriate cases to investigate; to identify and locate relevant potential witnesses (not only in areas where the crimes have been committed but also in the many countries where such persons have settled following their migration or resettlement); and to interview those witnesses with a view to gathering evidence to establish that criminal offences such as murder, rape, enslavement, deportation and other criminal acts have occurred. Added to this is the further task of obtaining evidence to establish that such criminal offences are crimes against humanity, genocide, grave breaches of the Geneva Conventions or violations of the laws or customs of war.

32. The investigative teams interview suspects, collect forensic evidence, ensure that appropriate chains of custody of exhibits are maintained, conduct searches, participate in mass grave exhumations, undertake local inquiries in areas where crimes have been committed and coordinate with various local authorities and other investigative agencies. In case of urgency, the Prosecutor may request any State to arrest a suspect provisionally; to seize physical evidence; and to take all necessary measures to prevent the escape of an accused, injury to or intimidation of a victim or a witness, or the destruction of evidence. The Prosecutor is also responsible for the retention, storage and security of information and physical evidence obtained in the course of his investigations.

33. If in the course of an investigation the Prosecutor is satisfied that there is sufficient evidence to provide reasonable grounds for believing that a suspect has committed a crime within the jurisdiction of the Tribunal, he prepares and forwards to the Registrar an indictment for confirmation by a judge, together with supporting material.

34. The investigative team is also responsible for the development of the prosecution brief. Investigators must assess all relevant material for inclusion in the brief, ensuring that all relevant evidence has been assembled and included in the brief to establish each element of each charge, as well as prepare the actual brief for the Prosecutor. The investigative team works with the senior trial attorneys to draft the indictment. The involvement of the investigative team in the case will last until the completion of the trial.

Prosecution

35. If an indictment is confirmed and an arrest warrant is issued by a trial judge, arrangements are made for the arrest of the accused person(s) charged in the indictment, if possible in the presence of the investigators in charge of the case.

36. The Prosecutors attached to the Prosecution Section undertake legal research and prepare submissions in relation to trials and appeals before the Tribunal. They review briefs of evidence submitted by the Investigation Section to determine whether the evidence is sufficient to establish a prima facie case against the accused person(s) and determine the form and substance of indictments before submission to a trial judge for confirmation. They also serve as prosecuting advocates before the judges of the Tribunal, in trials and appearing on behalf of the Prosecutor before the Appeals Chamber.

37. Preparations for trial will include securing the attendance of all witnesses, ensuring that witness protection measures are in place, ensuring that witnesses are available for proofing sessions with the Prosecutor, ensuring that sufficient witnesses are available to give evidence before the Trial Chamber as the trial progresses and ensuring that witnesses are adequately provided for in terms of accommodation and meals.

38. It is anticipated that the trial process will be extremely demanding on the lawyers in the prosecuting team, both before the trial commences and during the trial. It is also anticipated that experienced defence lawyers will appear before the Tribunal to represent the accused person(s). The legal arguments are likely to be complicated and lengthy.

Resource requirements

Staff costs

39. The estimated requirements of \$9,440,600, reflecting additional resources of \$1,367,800, would cover estimated expenditure for the biennium 1994-1995 for the continuation of 67 Professional (1 USG, 1 D-2, 2 D-1, 11 P-5, 13 P-4, 10 P-3, 8 P-2/1), 1 General Service (Principal level) and 20 General Service (Other level) temporary posts and provision for 59 additional posts in 1995. Requirements are also requested for temporary assistance for replacements during periods of extended sick or maternity leave (\$55,000) as well as provision for overtime (\$22,000).

40. The distribution of the staff is based on the knowledge of those at the Tribunal with previous experience in complex criminal investigations and prosecutions. The Office is still evolving and still has to find its working equilibrium; internal staffing adjustments will be made as necessary in the course of the biennium within the requested overall staffing level.

41. Office of the Prosecutor (1 USG, 1 D-2, 2 P-5, 1 P-4, 1 P-3, 1 General Service (Principal level) and 3 General Service (Other level) posts). The Prosecutor and the Deputy Prosecutor are assisted by a secretariat which

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includes respectively their Personal Assistant (PL) and secretary (GS/OL). Other members of this secretariat are a Senior Legal Adviser (P-5) to provide legal and policy advice in relation to both investigations and prosecutions, including the development of relevant strategies and their legal implications; a Special Assistant (P-5) who will perform the functions of a chef de cabinet and who will, among other tasks, assist in the management of the paper flow to and from the Office of the Prosecutor; an External Relations Officer (P-4), who assists the Prosecutor in dealing with non-governmental organizations, intergovernmental agencies and other United Nations organizations and offices, such as UNHCR, the United Nations Protection Force (UNPROFOR) and others; a special adviser on gender-related crimes (P-3) to provide policy advice in relation to specific high-profile crimes involving gender issues; an administrative assistant (GS/OL) and a secretary (GS/OL).

42. Prosecution Section (3 D-1, 2 P-3, 1 P-2 and 1 General Service (Other level) post). The Prosecution Section undertakes legal research, reviews briefs of evidence to determine whether a prima facie case can be established, determines the form and substance of indictments, prepares submissions relating to trials and appeals before the Tribunal and acts as prosecuting advocates before the Tribunal. The section would comprise three senior trial attorneys (D-1), otherwise known as Prosecuting Attorneys, one for each Chamber of the Tribunal. In this way, it will be possible to conduct simultaneous cases in all Chambers. The Prosecuting Attorneys will be assisted by two full-time Legal Officers (P-3), one Legal Researcher (P-2) and one secretary (GS/OL). When trials are being conducted, the Team Legal Officers attached to the investigation teams will assist the Prosecuting Attorneys and may act as co-counsel at and during the trials.

43. Investigation Section (1 D-1, 3 P-5, 22 P-4, 34 P-3, 21 P-2 and 10 General Service (Other level) posts). The Investigation Section is responsible for the conduct of investigations and the development of prosecution briefs. The lawyers in the section will also be required in many instances to act as co-counsel and trial attorneys. The section is composed of investigation teams assigned to specific cases and a strategy team responsible for overall analysis of available information and for advising on the direction of investigations. The strategy team may also undertake short-term investigations. It is proposed to establish field offices at Zagreb, Sarajevo and Belgrade to support investigation activities in the territory of the former Yugoslavia.

44. The section will be managed by the Chief of Investigations (D-1), who provides high-level legal and policy advice and direction to the section. The Chief of Investigations must be a senior and very experienced police officer who has directed and supervised complicated and lengthy criminal investigations which are conducted by multi-disciplined teams.

45. The investigative requirements of the Office of the Prosecutor, based on current investigations, would justify 12 investigation teams. The number could be doubled if results were required in a shorter time-frame, or if a wider level of investigation were to be undertaken. Recognizing various limiting factors, the Office of the Prosecutor has conservatively set its requirements at a minimum of 9 investigation teams. The investigative resources of the section are divided into teams to allow for greatest flexibility to combine all teams

into one major team for a specific high-priority task. A number of teams can combine to achieve a particular result, or each team can operate independently. By having independent teams, it is possible to interview witnesses simultaneously in a number of countries in relation to one specific case or multiple cases. In addition, it is also possible to have other teams concentrating on other aspects, including gathering evidence in relation to the higher policy issues which make the crimes serious breaches of international humanitarian law.

46. Each investigation team would be composed of seven members, led by a senior experienced police investigator as Team Leader (P-4), who is responsible for developing and implementing the investigative strategies and methods; a Legal Officer (P-4), who will act as co-counsel and may conduct prosecutions before the Tribunal as well as provide the legal framework for the investigations, develop the prosecution brief and produce the initial draft of the indictments; three Investigators (P-3); an Operations Officer (P-2), who is responsible for exhibit and data collection, collation and indexing, computer support and general logistical support; and an Intelligence Analyst (P-2), who is responsible for inputting data into the database when in the field and undertaking intelligence research on behalf of the team. Each team will need up to three interpreters (Serbo-Croatian/English).

47. Three Investigation Coordinators (P-5), who will be directly responsible to the Chief of Investigations, will be required for the management of the nine teams. It is likely that each team will at different times be operating independently of other teams, and even when teams are working on the same project, but operating in different geographical areas, it will be necessary to coordinate their activities. This will ensure that the investigations are undertaken in a consistent manner, that standard operating procedures are applied, that each team's work is relevant to the overall investigative plan and strategies of the Prosecutor and that each team will be kept informed of the progress of investigations being carried out by other teams. It is likely that these Investigation Coordinators will direct particularly sensitive investigations.

48. The current investigations of the Office of the Prosecutor are the result of a comprehensive assessment of the material at hand when the Office became operational. The investigation teams have generated additional material. In addition, governmental and non-governmental organizations and individuals throughout the world are sending information and materials to the Tribunal. This fresh material must be analysed and assessed as quickly as possible to determine its relevance, if any, to any particular investigation or line of inquiry. It also needs to be assessed to determine whether any new investigations should be commenced or others given a higher priority. This work is the responsibility of the Strategy Team. It is led by a senior Legal Officer (P-4) and assisted by another Legal Officer (P-3). Two specially trained intelligence analysts (one P-3, one P-2) are responsible for constant analysis of the computerized database. Two investigators (P-3) are attached to the Strategy Team to respond to particular pieces of information by undertaking short-term or one-time investigations, to gather relevant additional information or evidence in order to complete or corroborate information or material received by the Office of the Prosecutor. Two Operations Officers (P-2) would be

required to assist the team in collating, indexing and organizing the material for review by the Team.

49. It is proposed to establish three local offices in the territory of the former Yugoslavia. It is considered essential for the Office of the Prosecutor to have a permanent presence in each of the three capital cities of Zagreb, Sarajevo and Belgrade. The offices would serve many purposes. They would provide visibility for the Tribunal and would make it readily accessible to the people in the area, thereby encouraging individuals to communicate with the Office of the Prosecutor. They would also provide essential logistical support for investigations in the territory of the former Yugoslavia. The availability of local support would save money by reducing travel and other support costs. The offices would also provide liaison points with governmental and non-governmental organizations as well as with other United Nations organizations and agencies operating in the territory of the former Yugoslavia, and would permit the Office of the Prosecutor to keep abreast of important developments in the area that could affect the work of the Tribunal. There will be local trials relevant to the work of the Tribunal which will require the Office of the Prosecutor to coordinate trial observers and, generally, monitor such trials. The Office of the Prosecutor will also need expert advice on current local law and on law of the former Yugoslavia.

50. Each of the local offices would be headed by an independent, non-local officer (P-4), recruited from outside the territory of the former Yugoslavia. The offices would also include a secretary and one lawyer (P-3) with expert knowledge of the laws (particularly the criminal law) and Constitution of the former Yugoslavia, as well as a good working knowledge of the current criminal law and Constitution of the particular country. The Legal Officer would also be required to coordinate the activities of trial observers acting for the Office of the Prosecutor and could be asked to act as a trial observer.

51. It is expected that the investigation teams will be largely self-supporting in the field and will not require significant secretarial support. Administrative and secretarial support in The Hague for the entire Investigation Section will be provided from a pool of seven secretaries (GS/OL).

52. Special Advisory Section (one P-5, two P-3 and one General Service/Other level post). This section would be composed of full-time experts in the field of international law, with particular specialization (a) in the laws and customs of war, the Geneva Conventions and other areas of international humanitarian law; (b) in the military, who can provide specialized advice in relation to the military aspects of the conflict and their impact on the commission of crimes during the conflict; and (c) in the historical, ethnic, cultural and religious background of the conflict, which is necessary to understand its nature.

53. Information and Records Section (1 P-4, 1 P-3, 1 P-2 and 10 General Service/Other level posts). This section manages all computer and records requirements of the Office of the Prosecutor, including the control and maintenance of physical evidence. It is headed by an Information Systems Coordinator (P-4). Its main functions relate to the management of documents and control of evidence and to the creation and management of a structured database. All material received or generated by the Office of the Prosecutor is processed

by the Records Unit, headed by a Records Management Officer (P-2) and assisted by a Records Management Assistant and four Records Clerks. The section is also responsible for evidence control. The Computer Operations Unit is responsible for the development and maintenance of the computerized structured database. It is headed by a Computer Information Assistant (P-3), who is assisted by an Intelligence Analyst and five Computer Operations Clerks.

Consultants and experts

54. Estimated requirements of \$113,600, reflecting an increase of \$13,600, would be required for expert advice on evidence brought before the Tribunal. The need for forensic examination of exhibits, specimens and scientific examinations associated with mass grave exhumations has been identified. Such examinations and forensic work are expensive as well as important.

Travel

55. Travel for the Prosecutor's Office is for the building of cases. The ability to interview witnesses is the most essential requirement of any criminal investigation. The nature of the conflict in the territory of the former Yugoslavia has caused an exodus of refugees, a population that is now widely scattered and which contains many potential witnesses. Extensive travel, either by the Tribunal's investigative staff to the witnesses, or by witnesses to the Tribunal, is therefore required. The estimated requirements of \$4,522,500 relate to estimated expenditures of approximately \$741,300 in 1994, and anticipated requirements in 1995 of \$3,781,200. Provisions for 1995 include travel of the Prosecutor and the Deputy Prosecutor (\$33,700), travel for investigative purposes (\$3,522,800) and travel in connection with witnesses, experts and other sources of evidentiary material (\$224,700). Provision for travel for the purpose of giving evidence in trials is made under the Registry (see sect. C below).

56. The above travel estimates for the Investigation Section are based on experience since July 1994 in interviewing witnesses and gathering evidence throughout the world, the magnitude of crimes to be investigated and the geographic location of victims, suspects and sources of evidence. The estimates are based on average fares and daily subsistence allowance (DSA) rates for 10 large European cities: London, Stockholm, Berlin, Geneva, Rome, Istanbul, Vienna, Copenhagen, Budapest and Zagreb. These cities were chosen because of their geographic diversity and because they are the principal gateways to many of the European countries with the heaviest concentrations of refugees from the territory of the former Yugoslavia.

57. In 1994, about 20 three-member teams conducted field investigations and evidence-gathering activities in various countries of Europe, including in the territory of the former Yugoslavia and also within the Netherlands. In 1995, it is planned to send about 45 teams into the field for an average of two weeks each month.

58. The provision for travel of witnesses, experts and other sources of evidentiary material is required to enable these individuals to come to The Hague or other locations, as necessary, for debriefing and for investigative or evidence-gathering purposes.

C. The Registry

Table 8

ESTIMATES BY OBJECT OF EXPENDITURE

(Thousands of United States dollars)

C. The Registry	Object of expenditure	1994-1995			1994-1995 revised estimates
		1994 revised estimates a/	1994 requirements	1995 estimated requirements	
Posts		3 716.7	1 243.0	5 463.4	6 706.4
Temporary assistance for meetings		5 322.2	60.0	333.6	393.6
General temporary assistance		2 888.6	355.4	1 503.2	1 858.6
Overtime		46.5	21.4	50.0	71.4
Consultants and experts		-	33.6	140.4	174.0
Travel		71.2	40.2	357.3	397.5
Contractual services		282.3	32.0	1 630.3	1 662.3
Hospitality		10.0	5.5	7.5	13.0
Total		<u>12 337.5</u> b/	<u>1 791.1</u>	<u>9 485.7</u>	<u>11 276.8</u>

a/ A/C.5/48/44/Add.1.

b/ Includes provision for Defence Counsel.

Table 9
POST REQUIREMENTS

C. The Registry	Professional category and above	Previous estimate <u>a/</u>	Increase/(decrease)	Revised estimate
ASG	1	-	1	1
D-2	-	-	-	-
D-1	-	2	2	2
P-5	4	(1)	3	3
P-4	4	9	13	13
P-3	2	17	19	19
P-2/1	-	7	7	7
Total	11	34	45	45
Other categories	-	-	-	-
General Service (PL)	-	3	3	3
General Service (OL)	12	38	50	50
Security and Safety	12	18	30	30
Total	24	59	83	83
Grand total	35	93	128	128

a/ A/C.5/48/44/Add.1.

Activities

Office of the Registrar

59. The Registry is responsible for the administration and servicing of the Tribunal. The tasks of the Registry involve two main areas of responsibility. One area pertains to administrative and financial management; the other main area of responsibility is the judicial management function on behalf of the Tribunal.

60. Three other units form part of the Office of the Registrar. One deals with press and information in order to satisfy the keen interest of the media in the activities of the Tribunal as well as the needs for information of the public at large. Press and information facilities form an essential requirement of the infrastructure of the Tribunal.

61. Another specialized function embodied in a unit immediately attached to the Office of the Registrar pertains to the security and safety of the Tribunal. Given the nature of the tasks of the Tribunal, strict security measures are required in order to protect the most visible officials of the Tribunal, the staff, the defendants and the witnesses, as well as the premises, the archives and the installations.

62. The third specialized unit forming part of the Office of the Registrar provides legal support to the Registry. This unit fulfils two distinct functions. It provides legal assistance and drafting support on an ongoing basis to each of the three Chambers both during and between plenary sessions, in connection with the continuing development of the practices and procedures of the Tribunal. Moreover, it provides advice to the Registry itself, which will be faced with many issues regarding the interpretation and application of the legal instruments defining its tasks and responsibilities, notably the statute of the Tribunal, the rules of procedure and evidence, the Headquarters Agreement, the rules governing the detention of persons awaiting trial or appeal, and the Directive on Assignment of Defence Counsel.

(a) Judicial management

63. In the area of judicial management, preparations are being made for the operational activities of the Tribunal. The Registry is developing a case management system that will include automation of case processing functions. The Registry is also securing access to electronic legal research databases in Europe and North America. The necessary security procedures are well developed, with much progress having been made on contingency planning.

64. Detailed preparations are being made in order to protect and assist victims and witnesses. These preparations, including security aspects, are being made by the Office of the Prosecutor and the Victims and Witnesses Unit of the Registry. The process includes liaison and cooperation with the countries where prospective witnesses reside, the competent authorities of the Netherlands, professional organizations and institutions that may lend psychological/social services and other humanitarian aid organizations. The security aspects are also duly taken into account with regard to these matters.

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65. In order to organize legal counsel and legal defence to which the suspects and accused are entitled, notably also in case of indigency, consultations have taken place with competent national and international professional organizations of lawyers, both for the purpose of drawing up the Directive on Assignment of Defence Counsel and concerning the application of the directive. The directive entered into force on 1 August 1994 and, with the assistance of international and national bar associations, a list of qualified counsel who have indicated their willingness to be assigned to indigent suspects or accused is being drawn up.

Defence Counsel

66. On the basis of the statute and as further elaborated in the rules of procedures and evidence, the suspects during the investigation and the accused from the time of indictment have the right to legal assistance from a counsel of their own choice or, if indigent, to free legal assistance. The Registrar has prepared, in close consultation with the judges, a directive governing the procedure for assignment of defence counsel, the status and conduct of assigned counsel, the calculation of fees and disbursements and the establishment of an advisory panel. The assignment of defence counsel will require substantial financial means. The Registry, in consultation with the President, will have to review the requests for assignment of counsel and the statements of assets of the persons making such requests and notify the applicant accordingly. The Registry is at present establishing a list of counsel who have indicated their willingness to act as such and has the responsibility to confirm and authorize their fees and disbursements. In addition, the Registry supplies assigned counsel with basic equipment and facilities necessary to perform their tasks.

Detention facilities

67. After having been surrendered to the Tribunal and while awaiting trial or appeal, the accused are held in a special detention facility rented from the Netherlands Government which is governed by a unique set of international standards (Rules of Detention). In addition to the rental costs, the Tribunal is responsible for the provision of equipment, supplies and materials, and miscellaneous expenditures relating to the detainees. The staff of the detention facility consists of a Commanding Officer, as the head of the staff, and the required number of guards. In most matters the Commanding Officer reports to the Registrar, who is responsible for the administration and financial aspects of the detention facility. In order to secure good relationships with the host prison in which the detention facility is situated, the Commanding Officer and the Governor of the host prison will be expected to be in constant communication. On the basis of the Rules of Detention, the Registry has to perform a variety of duties relating to the detention facility, notably with regard to such issues as the regulation and maintenance of order and discipline, the inspection of conditions of detention, communications and visits, the handling of complaints and the entertaining of day-to-day contacts with the detention facilities and in particular its Commanding Officer. In order to handle these matters on a daily basis, it is necessary to create a special unit in the Judicial Management Section of the Registry.

Protection of victims and witnesses

68. The rules of procedure and evidence provide for the establishment of a Victims and Witnesses Unit within the Registry. The issue of witness protection is critical for the Tribunal. For traditional law enforcement bodies, witness protection is also critical and requires personnel who are specially trained to run witness protection programmes. Such programmes are costly, particularly if it is necessary to provide 24-hour protection to witnesses and their families, or to provide for their relocation with new identities. Given the nature of the crimes being investigated and prosecuted by the Tribunal, it is inevitable that many witnesses are going to require, and must be provided, extensive witness protection. The work of the Victims and Witnesses Unit will require close cooperation with the Office of the Prosecutor which, of necessity, has the initial responsibility for arranging the protection of witnesses during investigations. The unit will have particular responsibility for the protection of witnesses when their presence is required in The Hague. The unit will be staffed by a small group of persons who will coordinate the tasks relating to the protection and assistance functions of the unit. The unit will have to rely on the expertise and the professional experience of consultants, such as psychologists and psychotherapists. While it has to provide assistance to victims and witnesses during the pre-trial and trial stage and may also have to provide for accommodation and other services to these persons, it will also have to coordinate, with the help of other organizations and institutions, the protection and support of victims and witnesses in the post-trial stage when they have returned to their own countries or elsewhere. The unit is largely dependent for its effective functioning on cooperation and assistance by Governments, professional groups and non-governmental organizations and institutions. Experience has shown that the cost of witness protection is extremely high. The amount sought will be utilized for emergency situations to cover the period before the conclusion of individual arrangements with supporting member Governments or non-governmental organizations and will be supplemented by extrabudgetary resources (see sect. VI below).

Court management and judicial support services

69. An important responsibility of the Registry flows from the nature of criminal proceedings. The Registry carries out the tasks entrusted to it in the rules of procedure in connection with pre-trial proceedings, in particular, the procedures of confirmation, amendment or withdrawal of indictments, issue of arrest warrants, procedures in case of failure to execute a warrant, the procedure for the appearance of the accused, procedures for detention on remand and provisional release and procedures to obtain depositions. Tasks in connection with proceedings before the Trial Chambers include procedures relating to amici curiae, summons of witnesses and experts, record-keeping, procedures in case of contempt of court and procedures for the restitution of property and in connection with compensation to victims. In addition, functions have to be carried out in relation to appellate proceedings, review proceedings and with respect to pardon and commutation of sentences.

70. It is envisaged that in practical terms judicial support services are to be organized on the basis of operating teams to serve each Trial Chamber and the Appeals Chamber, with each Chamber having a working team leader (Court Deputy),

and two officers devoted to courtroom duties. Three Records Management Assistants, one at the Principal level, will be in charge of general case processing, file maintenance and counter routines. The basic functions to be performed will be: intake of new cases, indexing, docketing, calendaring, serving of notice, case management and a series of other courtroom functions.

(b) Administrative services

71. Administrative support is provided for human resources management, financial administration and resource planning, as well as the use of common services to support the implementation of the work programme. In 1994, all activities were centred on the speedy establishment of the infrastructure and on enabling the Tribunal to become operational as soon as possible. In this connection, initial staffing requirements for administrative support were estimated conservatively owing to lack of actual experience. While adequate for the start-up phase, many aspects of the operation requiring intensive and extensive administrative support, particularly those of the Office of the Prosecutor (see sect. B above), could not have been foreseen at the time of preparation of the revised estimates early in the year. As the activities of the operation intensified, the only way in which the administration could cope with the volume of work was to request short-term assignment of experienced staff from Headquarters, especially in personnel and building management matters.

Resource requirements

Staff costs

72. Under posts, the estimated requirements of \$6,706,400 (an increase of \$2,989,700) relate to the cost of 35 temporary posts (1 ASG, 4 P-5, 4 P-4, 2 P-3, 12 General Service (Other level) and 12 Security and Safety posts) in 1994 (\$1,243,000) and provision for continuation of these posts and for 93 additional posts in 1995 (\$5,463,400). Estimated requirements of \$2,323,600 for other staff costs (a decrease of \$5,933,700) reflect reduced requirements for temporary assistance for meetings and include provision for the estimated actual cost for 1994 for general temporary assistance (\$355,400) and overtime (\$21,400) and provision for 1995 for temporary assistance in connection with the trials (court reporters, audio-transcribers and security reinforcement) (\$333,600), replacements during peak workload periods and extended leave (\$50,000), overtime (\$50,000) and provision for the services of 45 field interpreters/translators who will accompany the investigative teams as interpreters in the field and assist the Language Unit as translators when they are at The Hague (\$1,453,200).

Office of the Registrar

73. The Registrar (ASG) is assisted by a General Service (OL) staff member who acts as his personal assistant. In the absence of the Registrar, the Deputy Registrar will act on his behalf.

74. Press and Information Unit (1 P-4, 1 P-2 and 1 General Service (Other level) post). This unit provides the staff with a daily overview of press

information on issues relevant to the work of the Tribunal and therefore has the task of monitoring the world press, organizes press briefings, press conferences and on-site press coverage of courtroom proceedings and advises on the proper handling of audiovisual material for outside distribution to the media and the public.

75. The Press and Information Officer (P-4) will be assisted by a Junior Officer, who will also deputize for him/her in his absence. One General Service staff member acts as Information Clerk. During peak workload periods, other General Service staff are assigned from other units of the Tribunal to assist, as needed.

76. Security and Safety (1 P-3 and 30 Security Officers). A Chief of Security (P-4) and 12 Security Officers were originally envisaged. It is now estimated that, in order to provide adequate security to the premises on a 24-hour, 7-days-per-week basis, 30 Security Officers (including three team leaders) will be needed, working in three shifts.

77. Legal support (two P-5, two P-4, and one General Service/Other level post). This unit provides legal expertise to the Registry on the interpretation and application of the legal instruments which define its tasks and responsibilities and legal assistance and drafting support on an ongoing basis to each of the three Chambers, during and between plenary sessions, in connection with the continuing development of the Tribunal's practices and procedures.

(a) Judicial support services

78. In addition to acting on behalf of the Registrar in his absence, the Deputy Registrar (D-1) will be responsible for the daily management of the units comprising the judicial support services. He will be assisted by one General Service/(OL) staff member.

79. Defence Counsel (one P-3 and one General Service (Other level) post). It was initially envisaged that 10 Professional posts at the P-5 level and 3 General Service support staff would be required for the Defence Counsel (\$1,400,900). Following the approval of the directive governing the procedure for assignment of defence counsel, these posts should no longer be necessary. Instead, Defence Counsels will be remunerated on a contractual basis (\$880,500) and the services of a Legal Officer and a clerk will be needed in connection with the implementation of the Directive on the Assignment of Defence Counsel to coordinate and to assist lawyers assigned to defend suspects and the accused. It is foreseen that as many as 100 lawyers may be involved during the biennium in the defence of suspects and the accused.

80. Detention facilities (one P-4, one P-3 and one General Service (Other level) post). A Commanding Officer (P-4) will be responsible for the daily management of the detention facility, in close coordination with the Netherlands prison administration and the special unit within the Registry comprising a Legal Officer (P-3) and 1 General Service support staff member.

81. Protection of victims and witnesses (one P-4, two P-3 and one General Service (Other level) post). The head of unit (P-4) will be responsible for

coordinating the work of the unit, although all three officers will be involved in organizing the provision of assistance and other services to victims and witnesses and to coordinate cooperation and assistance by Governments, professional groups and non-governmental organizations and institutions.

82. Court management and support services (two P-3, four P-2, one General Service (Principal level) and two General Service (Other level) posts). Support services will be organized on the basis of operating teams to serve each Trial Chamber and the Appeals Chamber. Ideally, there should be three such operating teams since it is foreseen in the rules that there will be three Chambers, (two Trial Chambers and one Appeals Chamber). Since there are certain limitations, e.g., the availability of only one courtroom in which court proceedings may take place, it is proposed at this time to request a number of staff to make up only two operating teams.

83. Accordingly, it is proposed that the following personnel be provided: two Court Deputies (P-3), who will manage the judicial support for the Chambers; and four officers (P-2) devoted to courtroom duties and records management assistance (one General Service (Principal level) and two General Service (Other level) posts), responsible for general case processing, file maintenance and counter routines as well as the intake of new cases, indexing, docketing, calendaring, serving of notices, case management and a series of other courtroom functions.

(b) Administrative services

84. The Registrar is also responsible for administrative support of the three organs of the Tribunal. As is the normal practice in other offices away from Headquarters, matters that involve the direct application of staff rules and matters within the discretionary authority of the Registrar are exercised on his behalf by the Chief of Administration. The incumbent advises the Registrar on administrative and financial matters and supervises and coordinates the provision of all administrative services to the Tribunal, with a view to maintaining coherence of policies and procedures and maximizing benefits from available administrative, financial and human resources.

85. It is proposed that the post of Chief of Administration be upgraded to the D-1 level, in view of the importance and complexity of the functions and the high level of officials with whom the incumbent deals on a daily basis in the exercise of the functions, both within and outside the Tribunal. It is considered that the overall level of responsibility attached to the post merits the level of D-1, which is fully in line with the ranking of comparable posts in other Secretariat offices. The Chief of Administration will be assisted by an Administrative Assistant (General Service (OL) post).

86. Personnel (one P-4, one P-2 and 2 General Service (Other level) posts). Under the delegation of authority to the Registrar, the Personnel Unit is responsible for the full range of staff-related functions, including recruitment and administration. The unit advises on organizational development, job classification, implementation of personnel policies for recruitment and administration of staff. It is proposed that the unit be composed of a Chief of Unit (P-4); a Personnel Officer (P-2), to assist in all aspects of staff

recruitment, administration and training and to act on behalf of the Chief of Unit in his or her absence; and two personnel assistants (GS/OL).

87. Budget and finance (one P-4, one P-2 and three General Service (Other level) posts). The Budget and Finance Unit is responsible for coordinating budgetary planning, preparation and monitoring, and for financial accounting and reporting. The unit will assist in integrating the planning, budgeting and monitoring of the implementation of the programme of activities of the three organs of the Tribunal to ensure coherence with maximum regard for efficiency and effectiveness. The unit will record and maintain all accounts of the Tribunal, control the allotment and monitor expenditures, ensure the proper application of the Financial Regulations and Rules of the United Nations, establish internal procedures relating to accounting matters and effect timely and accurate payments of financial obligations of the Tribunal.

88. It is proposed that the unit be composed of a Chief of Unit (P-4), who will also be responsible for budget-related matters; a Finance Officer (P-2), whose main task will be financial accounting and reporting and who will act as Chief of Unit in the latter's absence; and three Finance Assistants (GS/OL).

89. Building management, procurement and travel (1 P-4, 2 P-3 and 10 General Service (Other level) posts). The Building Management, Procurement and Travel Unit is responsible for management and maintenance of facilities of some 7,000 square metres in area, in addition to the detention facilities; obtaining supplies, equipment and contractual services, as well as provision of stores and control services for expendable supplies; and preparation of receiving and inspection reports. The unit will also be responsible for the provision of laissez-passer, visa applications, customs clearances and other travel requirements for staff; arrangements for incoming and outgoing shipments; and operation of vehicles.

90. It is worth mentioning that the travel requirements of the Tribunal, specifically those of the Office of the Prosecutor, demand continuous and intensive support since there will be a need for frequent travel of a large number of personnel to various destinations to interview victims and witnesses and/or to gather evidence. In addition, it is expected that the requirements in connection with the recruitment and travel of international staff and their families will continue to strain the limited staff resources available for General Services support.

91. In order to provide adequate support, it is proposed that this unit be provided with a Chief of Unit (P-4); a Building Management Officer (P-3); a Procurement and Travel Officer (P-3); and 10 General Service (OL) posts (6 administrative clerks, 2 drivers and 2 maintenance workers).

92. Electronic support services and communications (1 P-3, 1 General Service (Principal level) and 11 General Service (Other level) posts). This unit is responsible for providing efficient, reliable and cost-effective computer, communications and audiovisual support to all offices of the Tribunal. It assists in planning, installation, maintenance and use of electronic communications networks and records systems. The computer network within the Tribunal would consist of approximately 300 terminals, a substantial portion of

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which would be funded from voluntary contributions. The functions of the unit vis-à-vis the Office of the Prosecutor are unusually demanding in terms of time and technical expertise. For example, special safeguards have to be developed to maintain the security of data and information and to avoid contamination of evidence for prosecution purposes; and reliable and secure communications must be maintained at headquarters and be provided to the investigation teams in the field.

93. It is proposed that the unit be composed of: 1 Chief of Unit (P-3); 6 General Service (OL) posts for computer support (3 help-desk personnel, 1 network administrator, 1 programming assistant and 1 technician); 3 General Service (OL) staff for communications support (1 technician and 2 operators) and 3 General Service (OL) staff for audiovisual support (1 for management and operation of equipment, 1 courtroom technician, 1 camera operator).

94. Library and reference (1 P-3 and 2 General Service (Other level) posts). A legal library and reference unit is required to provide services relating to the selection, acquisition and maintenance of documents and publications for the use of all the staff of the Tribunal, particularly the lawyers and the judges. The unit will also provide services to individuals involved in the work of the Tribunal, for example, defence counsels. It will furthermore be responsible for establishing cooperative relationships with other sources of books and reference material of interest to members of the Tribunal. As much as possible, relevant legal documentation such as important criminal cases, statutes and so on will be electronically stored and it is anticipated that there will be access to on-line catalogues of universities and other libraries. It is proposed to provide for a legal librarian (P-3) and two library clerks (General Service (OL) posts) to manage this facility. It will be recalled that it was stated in the earlier report of the Secretary-General that the Trust Fund may be used for specific projects, such as "the establishment of a library (complete with services)" (A/C.5/48/44/Add.1, para. 18). Having reviewed the priorities and possibilities for its use, it is now proposed that the staff costs of the unit should be charged to the budget and all other costs, such as purchase of library books and supplies (currently estimated at \$150,000), office automation equipment and related software, office furniture and equipment, will be financed from the Trust Fund.

95. Language, meetings and documentation (1 P-5, 5 P-4, 8 P-3, 1 General Service (Principal level) and 12 General Service (Other level) posts). It is proposed to establish a Language, Meetings and Documentation Section which would consist of: a Chief of Section (P-5); 13 Professional language posts (5 P-4, 8 P-3), including a P-4 post for a Chief Interpreter; 6 General Service (OL) posts for secretarial and text-processing support; 1 General Service (PL) post for archiving; 2 General Service (OL) posts for documents distribution; 3 General Service (OL) posts for documents production, including desktop publishing/artwork; and 1 General Service (OL) post for mail/pouch duties.

96. This section will provide all organs of the Tribunal with translation and interpretation services and with temporary assistance support, as required. It will be responsible for planning and organizing meetings, including sessions of the Tribunal at and outside The Hague. The section will also be responsible for

the archiving, production and distribution of documents and the arrangements for mail and diplomatic pouch services.

97. The experience of the last few months has shown that the work of the Tribunal, specifically the Office of the Prosecutor, cannot be performed without adequate in-house translation and interpretation services. The evaluation of documents for investigation and prosecution purposes often needs translation from Serbo-Croatian, into English and French, the working languages of the Tribunal. Official documentation must also be provided in the working languages of the Tribunal. At the time of preparation of the present report, there are about 6,000 pages of documentation in the Office of the Prosecutor awaiting translation from Serbo-Croatian into English. This work alone would require approximately 1,000 translator work-days. Another 200,000 to 500,000 pages are expected shortly from various sources in the territory of the former Yugoslavia.

98. Investigations cannot be performed without proper interpretation support. Likewise, proceedings before the Tribunal will require simultaneous interpretation in English or French and could require additional languages, as provided under the rules of procedure and evidence. Field (or escort) interpreters must accompany investigation teams during trips, which last from one day to several weeks at a time. Ad hoc arrangements are made practically on a daily basis and sometimes investigations are hampered by the lack of suitable interpreters. Translators for the Office of the Prosecutor require special training owing to the nature of the work and a roster of qualified translators and interpreters is being developed at the Tribunal. The roster will include individuals located in the various countries and localities where investigations will or may take place. These translators/interpreters are hired under special-service agreements or on short-term appointments. For court proceedings and plenary sessions, conference interpreters will be employed on a contractual basis.

99. With the creation of a Language, Meetings and Documentation Section, the need for temporary assistance for meetings will be significantly less than initially foreseen. On the basis of actual experience gained in the last few months, the estimated requirements for temporary assistance for meetings will be reduced to \$333,600.

Consultants and experts

100. The estimate of \$174,000 relates to estimated expenditures of \$33,600 in 1994 to obtain outside expertise in several aspects of criminal court administration, including office automation, as well as anticipated requirements in 1995 for expertise in other Registry functions and for the services of psychologists and psychotherapists who will assist victims and witnesses during their stay at The Hague, during the pre-trial and trial stages (\$140,400). No provision was made for consultants under the Registry in the earlier estimates.

Travel

101. The provision of \$397,500 reflects additional requirements of \$326,300 and would cover the actual cost of travel undertaken by the Registrar and his staff in 1994 (\$10,200) and the anticipated travel costs for 1995 (\$57,300), including travel to Headquarters for consultations and attendance at the regular session of the General Assembly. Included under this heading is a provision of \$280,000 to cover related expenses for victims and witnesses who are required to travel to The Hague for the purposes of the Tribunal. These costs will include housing, transport, food, interpretation and miscellaneous expenses. In addition, a provision of \$50,000 is foreseen for travel of the accused to the seat of the Tribunal.

Contractual services

102. The requirement of \$1,662,300 includes additional resources of \$1,380,000 and relates to expenditures in 1994 (\$32,000) and anticipated requirements in 1995 as follows:

(a) \$824,300 for the provision of counsel to suspects and the accused, in accordance with the Directive on Assignment of Defence Counsel. This amount would cover the remuneration and travel costs of about 42 lawyers representing accused persons and about 126 work-days of lawyers representing suspects;

(b) \$806,000 for the services of detention facility guards to supervise the operation of 24 detention cells on a shift basis. This estimate would provide for up to 24 prison guards in 1995 at the rate of \$3,300 per month per guard. The original provision of \$282,300 related to the hiring of audio/video technicians for the trials, of which amount only \$32,000 is expected to be incurred by the end of 1994.

Hospitality

103. Estimated requirements of \$13,000 are requested for official functions and hospitality.

D. Programme support

Table 10

ESTIMATES BY OBJECT OF EXPENDITURE
(Thousands of United States dollars)

Object of expenditure	1994-1995 revised estimates <u>a/</u>	1994 requirements	1995 estimated requirements	1994-1995 revised estimates
Contractual services	606.4	174.3	322.5	496.8
General operating expenses	4 649.2 <u>b/</u>	1 405.9	3 131.0	4 536.9
Supplies and materials	264.0	102.0	236.9	338.9
Furniture and equipment	2 109.4	2 334.2	1 317.7	3 651.9
Total	7 629.0	4 016.4	5 008.1	9 024.5

a/ A/C.5/48/44/Add.1.

b/ Includes provision for detention facility guards; however, requirements for 1995 are under section C, Registry, contractual services (see table 8 and para. 102).

Resource requirements

Contractual services

104. The estimated requirements of \$496,300, reflecting a reduction in resources of \$109,600, would cover actual costs in 1994 (\$174,300) for servicing the three plenary sessions, external printing of publications, data-processing services for the Office of the Prosecutor, training for Security Officers and video recording. It would also provide in 1995 for the costs of transferring data from other sources to the Tribunal (\$162,900), external printing of publications and other documents (\$93,600), subscription to wire agency services (\$32,800) and training for electronic data-processing (EDP) and security personnel (\$33,200).

General operating expenses

105. The provision of \$4,536,900 reflects a reduction in requirements of \$112,300 and relates to expenditures incurred in 1994 for rental and maintenance of premises, including the detention facility (\$834,600); utilities and other charges (\$231,000); rental and maintenance of equipment (\$135,700); communications (\$185,000); and miscellaneous charges, such as freight (\$19,600). It would also cover anticipated expenditures in 1995, estimated as follows: rental and maintenance of premises, including the detention facility (\$2,306,500); utilities (\$63,700); rental and maintenance of office equipment, including motor vehicles (\$158,800); official functions and hospitality (\$23,400); communications (\$483,100); maintenance of furniture and equipment (\$25,400); and miscellaneous charges, such as freight and general insurance (\$71,100).

106. Concerning rental and maintenance of premises:

(a) The lease agreement was signed in July 1994;

(b) The construction, including structural modifications to the interior of the parts of the building that are occupied by the Tribunal offices, is proceeding on schedule. The courtroom was completed in time for the Tribunal's first hearing on 8 November 1994;

(c) The total payment to be made to Aegon for the biennium 1994-1995 (excluding the first six months of 1994 for which only utilities and miscellaneous charges were paid) is approximately \$2,076,500, which includes rental costs (\$1,165,900); and reimbursements for financing construction work on the courtroom and external security, and for minor alterations of office accommodations during the first six months of 1994 (\$910,600).

107. The detention facility was formally turned over to the Tribunal as of 1 October 1994. The rent due to the host Government relating to the use of the detention facility for the biennium 1994-1995 would be \$340,400, of which \$68,100 relates to 1994 and \$272,300 to 1995. In addition, the cost of cell occupancy (user costs) for 1994-1995 is estimated at \$242,400, based on the assumption that there will be five to six occupants in the latter part of 1994 and full occupancy in 1995.

/...

Supplies and materials

108. The provision of \$338,900, reflecting an additional requirement of \$74,900, relates to the actual cost of purchasing expendable office supplies and materials in 1994 (\$102,000) and the anticipated costs in 1995 (\$236,900).

Furniture and equipment

109. The estimated requirement of \$3,497,400 includes additional requirements of \$1,338,000 and would cover the expenses incurred in 1994 (\$2,334,200) for the acquisition of office furniture, fixtures and equipment (\$758,600), office automation hardware and software (\$265,400), three vehicles (\$102,900), communications and other equipment (\$633,100), public information equipment (\$382,200) and security and safety equipment (\$192,000). Anticipated costs in 1995 (\$1,163,200) would cover the cost of office furniture, fixtures and equipment (\$65,100), office automation hardware and software (\$907,000), an additional vehicle (\$32,800), communications and other equipment (\$154,600), audiovisual equipment (\$154,500) and security and safety equipment (\$3,700).

110. Furniture, fixtures and office equipment relate to requirements for the Tribunal offices, the detention facility and the courtroom. The provision for public information equipment would cover the audiovisual equipment for the courtroom to ensure adequate coverage of the court proceedings.

111. In addition to \$2,300,000 worth of equipment which was part of a package being donated by the United States of America in support of the Office of the Prosecutor, the Tribunal in 1994 acquired some 50 desktop computers and printers including software applications. As additional staff are recruited during 1995, the Tribunal will require further resources for the purchase of additional computers, network servers and related equipment.

VI. VOLUNTARY CONTRIBUTIONS

112. The General Assembly, in its resolution 47/235, invited Member States and other interested parties to make voluntary contributions to the Tribunal both in cash and in the form of services and supplies acceptable to the Secretary-General. As of end of October 1994, contributions totalling \$9,241,967 have been received or pledged in support of the work of the Tribunal, excluding the cost of staff and experts on loan from Governments.

113. Donors provide personnel, mostly experts, to the Tribunal on a non-reimbursable basis. The donor undertakes to pay all expenses in connection with the assignment to the Tribunal of the loaned personnel, including salaries, daily subsistence allowances, medical and life insurance coverage, travel from and return to their respective countries. The donor undertakes to ensure that during the entire period of service these personnel are covered by adequate medical and life insurance, as well as insurance for service-incurred illness, disability or death, with extended war-risk insurance coverage. The donor is also responsible for any claim brought by third parties for damages, injury or death as a result of any act or omission by the personnel on loan, during the performance of duties on behalf of the United Nations.

114. The United Nations is not responsible for any expenses in relation to the loan of personnel by the donor, except the provision of office and other facilities necessary for the performance of the services required, including the cost of any travel and other related expenditures incurred on official business for the United Nations. The loaned personnel are engaged on the basis of a special service agreement. They are considered as independent contractors and not as staff members of the United Nations. For the purpose of privileges and immunities, the loaned personnel are considered as having, under article VI, sections 22 and 23, as well as of article VII, section 26, of the Convention of the Privileges and Immunities of the United Nations, 1/ the legal status of experts performing missions for the United Nations.

115. The status of voluntary contributions to the Tribunal, as of 31 October 1994, is detailed below:

(a) Contributions

(United States dollars)

Cambodia	5 000	
Canada	168 280	
Hungary	2 000	
Ireland	6 768	
Liechtenstein	2 985	
Malaysia	2 000 000	
Namibia	500	
New Zealand	14 660	
Norway	130 000	
Pakistan	1 000 000	
Spain	13 725	
Italy	1 898 049	
United States of America	<u>3 000 000</u>	(Pledged)
Total	<u>8 241 967</u>	

116. For the time being, it is anticipated that extrabudgetary resources will supplement the assessed budget of the Tribunal, including through acquisition of library equipment and supplies, installation of a court case management system, including a computerized archiving system, and victim and witness protection. As mentioned in the previous report (A/C.5/48/44), in the long run, when the Tribunal has become fully operational, voluntary contributions could be used to offset requirements to be met from assessed resources.

(b) Personnel

117. In addition, as of 31 October 1994, contributions in the form of the loan of personnel for the Office of the Prosecutor have been received or pledged from the United States of America (22 personnel), the Netherlands (4), Denmark (2), Norway (2), Sweden (2), Zimbabwe (2), Germany (2) and the United Kingdom of Great Britain and Northern Ireland (1). These personnel are assisting in

investigations and act as legal advisers. Other countries have indicated willingness to provide experts to the Office of the Prosecutor.

118. A request has been made to the European Commission, through the International Commission of Jurists, to make available 15 legal assistants, under a similar arrangement, for the judges' chambers and the Registry. The primary objective is to provide legal support to the judicial and administrative process of the Tribunal and, as an auxiliary objective, to offer young, qualified lawyers a learning experience. Eleven of the 15 young lawyers will be assigned to the judges' chambers for the purpose of legal research and assistance; four will be assigned to the Registry to assist in court management procedures.

119. Another request was also made to the European Commission, through the International Rehabilitation Council for Torture Victims, to provide personnel and related costs for the protection, counselling and support for victims and witnesses. If these resources are forthcoming, they will serve to reinforce the small unit proposed for the protection of victims and witnesses.

(c) Equipment

120. The United Kingdom made a contribution of computer equipment valued at approximately \$30,500, consisting of video cameras and computers, for the Office of the Prosecutor.

121. The United States has made a contribution of a computer package for the Office of the Prosecutor valued at up to \$2,300,000. The package consists of desktop computers, notebook computers, printers, a network, a document management system, systems analysis tools, video presentation, consumables and other related costs, including training and on-site installation costs.

VII. CONCLUSIONS

122. On the basis of the assumptions detailed above, it is estimated that an appropriation of \$39,158,600 will be required for the operation of the Tribunal in the biennium 1994-1995. In addition, it will be recalled that the Advisory Committee on Administrative and Budgetary Questions authorized the Secretary-General to enter into commitments for the requirements of the Tribunal in 1993. An amount of \$276,200 was provided from the United Nations Working Capital Fund during 1993 for expenditures of the Tribunal pending a determination as to its mode of funding. Accordingly, an additional appropriation of \$276,200 is also requested. Furthermore, an additional amount of \$4,921,100 would be required for staff assessment, to be offset by income from staff assessment of the same amount.

Notes

1/ General Assembly resolution 22 A (I).
